IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ petition No. 182 (S/B) 2003

Satya Prakash Sharma --- Petitioner

Vs.

Union of India and others. --- Respondents.

Hon'ble P.C. Verma, J.:

By means of this writ petitioner prays for a writ in the nature of mandamus directing the respondent Nos 2 & 3 for regularization of the services of the petitioner w.e.f. 01.03.1997 as a driver and granting of temporary status and also for directing the respondent No. 3 to make the payment of difference of salary of a regular driver, after deducting the amount which has already been paid to the petitioner as casual driver w.e.f. 01.03.1997. He further prays for direction to the respondent No. 3 to make the payment of arrears of difference of salary of a regular driver w.e.f. 01.03.1997 alongwith interest @ 18% per annum.

The petitioner is a casual labourer working as a driver from 01.03.1997, in the department of Tele Communication/ Bharat Sanchar Nigam, a Govt. of India enterprises.

The Govt. of India has issued a Scheme for regularization of the casual labourers 'Grant of Temporary Status and Regularisation' Scheme, which came into effect from 01.10.1989. Para-5 Sub Clause 1 & 2 of the scheme states that the temporary status would be conferred on all the casual labourers currently employed and who have rendered a continuous service of at least one year out of which they must have been engaged on work for a period of 240 days (206 days in the case of offices observing five days week). Such casual labourers will be designated as temporary Mazdoon. Such conferment of temporary status would be without reference to the creation/availability of regular Group-D posts. Sub Clause 5 & 6 of para-6 of the Scheme, states that after rendering three years' continuous service on attainment of temporary status, the casual

labourers would be treated on a par with temporary Group-D employees for the purpose of contribution to General Provident Fund, and would also further be eligible for the grant of Festival advance/Flood advance on the same conditions as are applicable to temporary Group-D employees, provided they furnish two sureties from permanent Govt. servants of this Department. Until they are regularised, they would be entitled to productivity linked bonus only at rates as applicable to casual labour.

The Scheme was introduced for regularization of casual labourers and no outsider should be appointed to the cadre except in the case of appointments on compassionate ground, till the absorption of all existing casual labourer fulfilling the eligibility conditions including the educational qualifications prescribed in the relevant recruitment rules.

As stated above, the petitioner was appointed as said on 01.03.1997 and is eligible for appointment as temporary status as well as for being considered for regularization as per para -5 & 6 of the Scheme. Therefore, the respondents are directed to consider regularization of the petitioner in terms of the Scheme referred above.

With the aforesaid order, the writ petition is disposed of accordingly.

(P.C.Verma.J.)

24.09.2003:

NCM: